

A Response to the Implementation of Bill C-83

RITCHY DUBÉ

Ritchy Dubé has a BA from Laurentian University and a Diploma in Addictions from McMaster University. Dubé founded a company to help ex-offenders find work and an NGO (Y.O.U.T.H.S.) for the prevention of substance abuse and crime.

"Since the mid-'90s, Dubé has delivered more than 200 seminars to over 50,000 people on the evils of substance abuse and crime. He also wrote The Haven. It may prove to be his most enduring contribution to society. And it's an engaging read" (Melnitzer, 2002,). Dubé is also known for developing an anti-oppressive liberation language for former offenders and for his policy brief to the Senate – Ex-Conism (Senate Brief – 2012).

Ritchy Dubé makes an appeal to senators and the Minister of Public Safety to re-consider their rejection of his attempts to be part of the Advisory Panel established with the implementation of Bill C-83 on Solitary Confinement passed in June 2019. Ritchy discusses solitary confinement from personal experience and critiques the incoming structured intervention units that will be replacing them under the new law. He calls for inclusion of pardoned ex-offenders in policy making, noting that this would reduce barriers while providing an essential perspective.

Setting an example is not the main means of influencing others; it is the only means.

—Albert Einstein

SOME HISTORY

1983: Solitary Confinement in Millhaven

penitentiary: My cell door slides open to a throng of menacing guards with body length Plexiglas shields, their grimacing faces leering angrily at me through plastic covered face masks affixed to riot gear helmets.

The front line blots out the lone light across the corridor, its ominous shadow casting a gloom over me like thunderclouds moments before the storm.

Working methodically, they cuff my hands and shackle my feet and fasten them behind my back to a thick leather belt wrapped around my waist. Picture a calf at the Calgary Stampede after he has been lassoed and you will have an accurate picture of my position.

2019: I had been sent to the "hole" 10 days earlier for refusing a direct order and being intimidating.

I was 200 pounds of muscle back then and still am at age 60. I was banging my feet on the cell door a few hours earlier because I wanted to get out ... no, I needed to get out. The crickets were chirping in my vent all night. I could not sleep. The walls were closing in on me. I was experiencing panic attacks and was hyperventilating. I could not take a full breath. I thought I was being drugged.

For the record, I regret every time I hurt someone. I wish I had never lied, cheated, stolen or hurt a single soul. I do my best to live a good life today and that is why I have been crime, alcohol and drug free for 30 years and have renounced violence in all its forms. I guess I grew up and became the man I want to be. I like being honest, hard-working, polite, considerate, decent and sober. I am not perfect but can and do apologize for harm done.

I never imagined the "hole" would have such a profound and lingering negative effect on me. In addition to the stigma of having been in jail, I suffer from PTSD, anxiety and depression. I believed I was bulletproof and invincible as a teenager and young adult but the prison experience hit me hard. During

my 7 years in jail and 400 days bouncing between the hole and segregation, I had numerous encounters with the guards. These encounters exacerbated the PTSD, anxiety and depression I had experienced (often unknowingly) since childhood.

BILL C-83

Bill C-83 is essentially a court-imposed order. Stretches in the “digger” have long been considered cruel and unusual punishment and the courts have imposed a 15-day limit. In my view, 15 days is still a very long time. Time in the hole is very hard on the brain and body. Many cons can’t sleep in the hole because it gets very loud and rowdy; they are exposed to abuse from guards, experience anxiety and depression and are in danger from other cons while in the yard for half an hour or so. They also lack fresh air and sunshine, are not allowed books, a mattress or a pillow. The hole is to the mind what the whip was to the body.

Solitary is brutally inhumane. It is an antiquated form of torture that has no place in 21st century penology.

According to Minister Goodale, the SIUs will be prisons within prisons reserved for the most troublesome and/or dangerous prisoners. While there, they will allegedly be allowed more time to mingle with each other, read and access counseling services. This sounds good on paper and makes good press but why is the Minister refusing to set up an Impartial Watchdog Committee and denying me an opportunity to sit on the Advisory Panel? Less than a week before Bill 83 was passed, Senator Pate argued that a watchdog program was required because Bill 83 allows “the Correctional Service of Canada (CSC) to monitor and report its own human rights abuses without any transparency or accountability. So, the Bill will not merely maintain the status quo, it will make things much worse”. (Pate, June 6, 2019).

My bid to be part of the Advisory Panel consisted of one email to Minister Goodale and several emails to every Senator on the SOCI committee. I received three replies; one from Minister Goodale’s office, one from Senator Pate’s office and I exchanged many emails with Senator Cordy.

I thank Senator Cordy for her genuine interest and open mind. We exchanged several emails and in them she said she recognized the important role I could play on the advisory as a person with lived

“Patriarchy, Matriarchy and Disempowerment

For most Ex-Conists, the real issue revolves around access, opportunity and having a venue to express their voice. Many agencies purportedly established to serve ex-offenders typically have very few, if any, ex-offenders in their employ. Few ex-offenders have access to political committees, lobby groups or to legislative bodies. This exclusionary practice tends to devalue, diminish and discount our voices and experiences, thereby rendering us silent. Many ex-offenders possess the intelligence and education to self-represent but agencies tend to appoint non-offenders in top positions, thereby controlling dialog, policy and practice. Literature: Many former offenders have produced autobiographies, essays, and works of fiction that have informed professionals and lay people alike. While this genre continues to be underrepresented, it is sustained in the Christian market where it informs the public. This collective body of work has never been formerly recognized as Ex-Conism but its contribution to our understanding of the issues affecting ex-offenders is undeniable” (Dubé, 2013).

experience. Lived experience goes a long way. Senator Cordy also tried to get the other Senators to communicate with me but her efforts failed.

As “ex-Cons”, we have instant credibility among the prison population. The best help I received was from John Wilson, Tom French and Sam Cleveland, all former offenders. I trusted and believed them when they showed me and talked to me about changing my way of life. They spoke of the futility of crime and showed me to aspire for something better than a prison cell and tough guy reputation.

People in jail need a positive role model who can walk the talk while setting an example. They need hope and an inspiration from someone who has turned their life around. You can spot the successful ones a mile away. They are drug free, honest, avoid old haunts, have a job, and treat others with respect.

Prisoners as a whole need a voice at the policy table just like other marginalized groups such as the disabled, elderly, women, people of color, and the LGBT community. All these have strong lobby

groups who can inform policy and participate in advisories and panels and committees. Why not give former offenders the same consideration? To do otherwise is discriminatory.

STRUCTURED INTERVENTION UNITS AS THE NEW SOLITARY?

I am very skeptical about SIUs because what is said in public does not match what is done privately. The promises of health care, accountability and reduced solitary periods are too good to be true. They will need help to figure out how to implement and set this up but will not permit former offenders to help do it. I requested to have a seat on the advisory panel. I'm not a bad or stupid guy and they should know that because I've been working with the Federal government for the last 8 years, without incident. In fact, I am very well thought of by my peers, team leaders and managers. It is bad business and narrow minded to not take a sounding from former and current prisoners before launching the SIUs. ■

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RÉSUMÉ

A Response to the Implementation of Bill C-83

RITCHY DUBÉ

Ritchy Dubé incite les sénateurs et le ministre de la Sécurité publique à reconsidérer le rejet de ses tentatives visant à s'intégrer au comité consultatif mis sur pied lors de la mise en œuvre du projet de loi C-83 sur l'isolement cellulaire, adopté en juin 2019. L'auteur aborde l'isolement cellulaire sous l'angle de son expérience personnelle et critique les nouvelles unités d'intervention structurée qui remplaceront l'isolement cellulaire en vertu de la nouvelle loi. Il demande l'inclusion d'anciens contrevenants réhabilités dans l'élaboration des politiques et souligne que cette mesure réduirait les obstacles tout en donnant une perspective essentielle.

MANAGING DISRUPTIVE INMATES

(Food for thought from a former offender – free advice from the sidelines)

1) Partial Self-Directed Model (PSDM): Let's not be shy to use self-directed models because inmates know how to manage themselves without violence. First step in this approach is to establish an intervention committee (IC) comprising the inmate committee, guard's union rep and medical personnel. These, along with the inmate, would develop an individual action plan complete with measurable goals and activities. This is a restorative approach.

2) Participatory Progressive Discipline Policy Model (PPDPM): Compliance with the action plan earns you more privileges and freedom whereas non-compliance earns you less. Look at this as a Participatory Progressive Discipline Policy Model. Established and agreed upon by all parties, the onus is on the inmate to follow the action plan or incur the agreed upon consequences. These are common strategies used in treatment settings that are effective at helping clients accept responsibility for their actions.

3) Cool Off Periods (COPS): Use temporary transfer as cooling off periods. We all need to cool off and this is especially true in high stress environments like prison.

a) place the inmate in their own cell – they can't hurt anyone there except him or her self – self harm can be mitigated with basic security measures and precaution.

b) place the inmate in a different part of the prison – make sure there is different time for yard and gym and different staff – E.G.: send to unit A if from unit B.

c) send prisoners to different prisons as a last resort – preferably a treatment centre.

4) Conflict Resolution Meetings (CRM): One "radical" component would be to teach guards and inmates conflict resolution skills in a facilitated environment. Get the parties in a conflict res. meeting. Experienced facilitators could produce very good results with this toolbox. I have used it with clients with good results.

5) Institutional Culture: We need to create a culture of respect and non-violence in jail. This means we post placards around the jail about the new and updated core values of the institution. These values could be respect and non-violence.

Both cons and guards would receive information packages explaining the expectations. They would sign agreements and begin to conform to the progressive culture. This could begin with simply calling each other by our names such as Mr. Dubé who addresses Officer Burns with respect and Officer Buns reciprocates by calling me Mr. Dubé while showing some respect.